REMARKS

Reconsideration and allowance of the Application are respectfully requested.

Claim Objections

With regard to the objections to Claims 8 and 9, the issue of erroneous dependence has been addressed by amendments made herein, as suggested by the Examiner. Claim 8 has been amended to depend from Claim 6 and Claim 9 has been amended to depend from Claim 8.

In view of the clarifying modifications made herein, the noted informalities in Claims 8 and 9 have been addressed and the noted objections thereto should be withdrawn.

Claim Rejection – 35 USC Section 102

The quoted provisions of 35 USC 102, (b) are duly noted.

The rejection of Claims 1, 3, 12-15 and 17 under 35 USC 102 (b) as anticipated by Shyu (U.S. Patent Number 5,259,553), hereinafter "Shyu" is respectfully traversed.

Before considering the individual Claims, it is believed to be beneficial to review and consider the findings and interpretations of the teaching of Shyu relative to a number of terms and functions, as made by the Examiner, on page 3 of the Action. In this regard the Examiner states –

"Shyu teaches a humidity control system with an inside room humidity sensor 13, a humidity controller 5 having actuable (sic) humidity level selection control capable of selecting a target in-room humidity (column 4 lines 29-43), and outside temperature sensor circuit 12, and an outside temperature humidity compensator circuit 4 coupled to the outside temperature sensor circuit. Shyu further teaches the humidity level is adjusted based on the sensed outside temperature (column 3 lines 42-61 and column 4 lines 29-59)."

After having considered the cited elements and the summarized related specification references, the quoted findings of teaching are not understood. A number of questions relating to these findings will be described below.

In summary, Shyu teaches a system that utilizes a computer having pre-stored constants, parameters and programs, to respond to various sensed input conditions and to generate signals that are used to actuate various environmental control devices. To that extent, Shyu describes a computerized system that may be able to control humidity, but beyond such a general applicability, it does not teach or suggest the invention described and claimed by Applicant.

The finding that actuation interface 5 is a 'humidity controller', as this term is used and defined by Applicant, appears to be in error. From the teaching at column 4 lines 34 – 37, which describes "...a series of actuation devices 5 which contain various actuators to modulate ...,humidity,...". (Emphasis added). From a consideration of the drawings, it can be seen that there is no teaching relative to, or in illustration of the "actuation device", so it would appear that this characterization would be given meaning normally employed in the relevant technology. While "actuation" may provide a form of activating control, it would not normally be understood to describe a device that is actually involved in performing the control. A consideration of the

teachings and generalities found in column 4 lines 29-43, as best they are understood, appear to support this understanding. While Shyu has not shown or described a device or system that functions as a "humidity controller", Applicant has described and illustrated a commercially available form of humidity controller. Accordingly, it is submitted that it is an error of fact finding to characterize "actuation device 5" as a "humidity controller".

The finding that Shyu teaches "an outside temperature humidity compensator circuit 4 coupled to the outside temperature sensor circuit" is contrary to the actual teaching of Shyu. In part, Shyu describes the output of signals from the computer at column 4 lines 33-35, such that it will "output control signals through an actuation interface 4 to actuate a series of actuation devices 5". (Emphasis added). The only other reference to "interface 4" was in column 6 at lines 20-22, where it is described that microcomputer 3 acts upon indoor and outdoor sensing devices, and in some way "sends out appropriate control signals to the actuation interface 4 to perform the required actuations". (Emphasis added). There is no teaching or suggestion discovered in Shyu that "interface 4" functions in any way as an "outside temperature humidity compensator circuit", as characterized above. While the term "interface' is not defined by Shyu, it is generally understood to define a common boundary where two (or more) independent systems interact or communicate. When thus understood, it appears quite clear that "interface 4" provides the selection of routing of the computer generated control signals to the appropriately selected on of actuation devices 5, and nothing more. In view of the foregoing, it is submitted that is an error of fact finding to characterized "actuation interface 4" as "an outside temperature humidity compensator circuit".

Finally, the finding that Shyu teaches "circuit 4 coupled the outside temperature sensor circuit" cannot be supported when the system taught by Shyu is considered as to what it teaches, as opposed to attempting to fit the teaching into claim language. (Emphasis added). Input from sensor 12 is passed through interface 2 to microcomputer 3, where the input is used in conjunction with programs and data stored in memory 35 to develop some desired computer-generated output. This computer-generated output can vary for differing desired effects. The computer-generated output is then passed to interface 4. While the sensor input may have some impact on the computer-generated output, it is clear that the sensor in not coupled interface 4. It is submitted that this finding coupling is in error.

It is axiomatic that for a cited reference to be the basis to reject a Claim, the reference must teach each element of the Claim with the elements connected and functioning with respect to each other as specified in the Claim to be rejected.

With regard to Claim 1, it is noted that Shyu does not teach, nor does it even suggest, all of the elements of the Claim. It does not teach the claimed components of -

an inside room humidity sensor;

a humidity controller responsive to a humidity sensor with actuatable humidity level selection for selecting a target in-room humidity; nor

an outside temperature humidity compensator circuit coupled to the outside temperature sensor circuit and the humidity controller; nor

does it teach or suggest the claimed interconnections and functions of the claimed components.

For these reasons of failure to disclose the claimed components and function, and the reasons described above in consideration of the errors in the Examiner's findings and characterizations of the teaching of Shyu, the rejection of Claim 1 is an error of law based upon erroneous fact finding. Accordingly, Claim 1 is allowable as presently presented.

With regard to Claim 3, the observation Shyu "teaches a microcomputer 3 and a signal transfer face (sic) 2" can be accepted as a statement of what is shown and described, but the characterization that the act together "to form a compensation network with the ability adjust and modify temperature and humidity conditions" to somehow meet the limitations of Claim 3, is erroneous. (Emphasis added). Applicant has fully described and illustrated the compensation network and adjustment control circuit as claimed, and it is clear that microcomputer and interface do not constitute a compensation network as Applicant has defined and claimed it. Calculations done in the microcomputer, however they might be accomplished, do not constitute a "compensation network". Adding the selection and switching of an interface, does not elevate such a function to a "compensation network".

For these reasons and the reasons set forth above Shyu does not teach or suggest the elements of Claim 3, and it is allowable. Further, Claim 3 depends from Claim 1, which has been shown to be allowable, and it too is allowable.

With regard to Claims 12 and 13, it submitted that the Examiner has attempted to characterize the summary and generalized teachings of Shyu in such a way as to meet the claimed method steps. The cited portions of

the specification and Figure 2 have been considered. The teaching of "providing selectively reduced signals indicative of sensed indoor humidity levels" has not been discovered. If such a teaching is actually present, it is requested that the Examiner more specifically point out the location of such a teaching. It of course follows that failure to disclose, teach, or suggest "selectively reduced signals" renders the Examiner's finding of a teaching of "combining the selectively reduced signals and the adjusting signals" erroneous. The further observation that Shyu further teaches a system "capable of developing a source of setpoint settings and humidity change settings" is not understood. Shyu does not appear to address "setpoint" settings anywhere within the cited portions of Shyu. Applicant has described how a selectable setpoint in a humidity controller can be altered by the process of developing an adjusting signal in response to sensed outside temperature. It does not appear that Shyu teaches or suggests any such functionality.

For these reasons and the reasons set forth above, Claims 12 and 13 are allowable as presently presented.

With regard to Claims 14 and 15, it is first pointed out that these Claims are in the means-plus-function format, thus requiring the Examiner to examine the claimed elements in view of the disclosure. Applicant has disclosed the elements of these Claims in the Specification in portions that detail the construct and function relative to Figures 2, 3, 4, and 6. To support a rejection based upon anticipation by cited prior art, it is necessary that the Examiner consider the disclosure and functionality described, and find a teaching that would anticipate the claimed elements.

It is submitted that the Examiner has not examined these Claims as required by the MPEP relative to rejecting means-plus-function claims.

The characterization of the alleged function of Shyu in this regard cannot be understood. This characterization appears to be contradictory to earlier findings and included inconsistencies. The findings that actuation device 5 amounts to a "reducing means" is without merit in that its described function does not related to the functionality claimed. The further finding that actuation device 5 is also an "adjusting means" for adjusting to changes in outside temperature is not supported by the teaching of Shyu. Further, to assert that a single described element (device 5) teaches two separately claimed elements is an improper rejection. Finally, the finding that actuation interface 4, teaches "outputting" means as claimed, results in the outputting function prior to the "adjusting" function. It is submitted that for these reasons and the foregoing reasons Claims 14 and 15 are allowable as presently presented.

If this rejection is to be maintained, it is respectfully requested that the Examiner comply with the requirements for examination of means-plus-function claims.

With regard to Claim 17, the characterization of the teaching of Shyu is again not understood. The finding that Shyu discloses "an outside temperature humidity compensation circuit with a first input circuit 13 capable of sensing humidity levels" is not understood. If this is meant to determine that sensor 13 includes an "outside temperature humidity compensation circuit", there is no support for such a finding. If the Examiner intends that such a humidity compensation circuit is somehow disclosed and coupled or associated with sensor 13, this too is without

support. If it is intended to be something else, no response can be made without more specific direction to the teaching of Shyu. In such a case clarification is requested.

The reference to "second input circuit 3" is not understood in that the microprocessor is designated with numeral 3. Perhaps this is a typo and the intended reference was to sensor 12. If the Examiner intends to read the second input circuit as the microcomputer, clarification is requested. As previously discussed actuation interface 4 functions as a selectable interface and Shyu does not teach that it is a "selectively variable" circuit within the scope and meaning of these Claims.

It is inaccurate and erroneous to characterize signal interface 2 as a "first compensating circuit 2". There is no teaching or suggestion that the interface does any form of "compensating". Further, there is no teaching or suggestion interface 2 is operationally coupled to the humidity sensor and the microprocessor to perform any function other than as an interface. As previously described, interface 2 is understood to provide the signal paths between the sensors 1 and the microcomputer 3, and there is no teaching of interoperability of the interface with any of the sensors 1 or with each other.

Further, to characterize the arrangement such that circuit 4 is "coupled" to the "humidity sensor, microcomputer, signal transfer interface (element 2?), and actuation device circuit", stretches the normal meaning of the term "coupled" beyond its normally accepted meaning. (Question added). Clearly, interface 4 is not coupled to any of the sensors 1 and the signals that may be passed through interface 2 never get to interface 4.

For the reasons just set forth and the reasons set for the above the rejection of Claim 17 is based upon erroneous fact finding that resulted in an error of law; and Claim 17 is allowable as presently presented.

Claim Rejection – 35 USC Section 103

The provisions of 35 USC 103 (a) is duly noted.

The rejection of Claims 2 and 18 under 35 USC 103(a) as being unpatentable over Shyu in view of Kitamura (US 4,911,357) is respectfully traversed.

To provide a prima facie case of obviousness it is necessary that the Examiner comply with the requirements set forth in the MPEP, which in summary requires in part that (1) there be motivation to make the combination; (2) there be a reasonable likelihood of success of operation; (3) that all elements of the Claim(s) under consideration be covered by the asserted combination; and (4) there be suggestion that the combination be made.

Even if the assumptions of the Examiner as to the desirability of operation of the Kitamura thermistor are accepted, the combined teaching or suggestion Shyu and Kitamura fail to teach the elements of these Claims and the Claims from which they depend. There is no showing or discussion of how Kitamura's thermistor might be connected into the Shyu interface, nor is there any indication as to what, if any, other component(s) might be necessary to make it work; hence, there is no showing of

likelihood of success. Accordingly, for these reasons it is submitted that the form of the rejection fails to make a prima facie case of obviousness.

For the reasons given and the reasons hereinbefore set forth, the rejection of Claims 2 and 18 are improper and should be withdrawn. Further, these Claims depend from Claims that have been shown to be allowable as presently presented.

The rejection of Claims 5 and 7 under 35 USC 103(a) as unpatentable over Shyu in view of Kitamura in further view of Robb Jr. (US 3,118,601) is respectfully traversed.

It is submitted that the reasoning set forth by the Examiner to support this rejection fails to make a prima facie case of obviousness for similar reasons as the reasons set forth under consideration of Claims 2 and 18. Further, the stated perceived advantage of utilizing a divider network to "limit voltage consumption" is not understood in the context of the circuit claimed by Applicant.

For the reasons stated above, Claims 5 and 7 are neither taught nor suggested by the cited and applied prior art and are allowable as presently presented.

With regard to Claim 7, it is allowable for the reasons set forth above in the consideration of Claims 2 and 18.

With regard to Claim 19, the rejection that starts on page 9 and appears to conclude on page 8 is incomprehensible in that no citation of any basis for rejection is set forth. If a rejection is to be made, it is requested that a specific citation of prior art and application thereof be

made. It is submitted that Claim 19 is allowable as presently presented, and further that it depends from a Claim that has been shown to be allowable. Finally, Claim 19 is included in the finding of Claims that include allowable subject matter.

With regard to Claim 20 the discussion on Page 8 is not understood in that there is no specific rejection based upon any cited prior art. Further, Claim 20 is included within the listing of Claims that include allowable subject matter. Finally, Claim 20 is dependent from a Claim that has been shown to be allowable.

All of the formal requirements raised have been addressed, and the rejection based upon cited art has been traversed. Amendments made herein have been based upon correction of informalities, and were not made based upon overcoming any cited prior art.

The prior art made of record and not relied upon is pertinent to consideration of applicant's disclosure.

The thorough consideration of the claim language and structures is appreciated.

Allowable Subject Matter

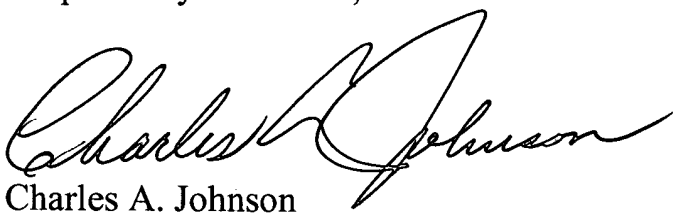
The indicated allowability of Claims 4, 6 – 10, 16, 19, and 20 if rewritten in independent form to include the limitations of the applicable base Claim and intervening Claim(s) is appreciatively acknowledged.

CONCLUSION

Claims 1-20 remain in the Application, and have been amended to address grammatical errors and antecedent basis informalities only. For the reasons set forth herein Claims 1-20 are allowable as presently presented and an early notice to that effect is respectfully requested.

Should the Examiner deem it appropriate or expedient to discuss anything further regarding the subject application, the Examiner is invited to contact Applicant's representative by telephone as indicated below.

Respectfully submitted,



Charles A. Johnson
Attorney for Applicant
Registration Number 20,852
1448 90th Avenue
Amery, Wisconsin 54001
(651) 635-7702

CAJ